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SEP 2 3 1999

CLEAN WATER ACTION

23 Grant Ave 3rd Floor
San Francisco CA 94108
415-362-3040 phone
415 362-3188 fax

September 23,1999
Comments of Clean Water Action

Lester Snow
CALFED Bay Delta Program
1416 Ninth Street, Suite 1155
Sacramento CA 95814

Re: State Clearinghouse Number: 96032083

Thank you for the opportunity to comment on the Draft Programmatic EIS/R for the CALFED Bay Delta program. Please enter these as part of the formal record.

Clean Water Action is a national grassroots environmental organization whose 40,000 California members and their families, will be impacted by the course chosen to balance ecosystem restoration, water quality and supply reliability issues associated with the San Francisco Bay and Delta. Our organization is principally concerned with the provision of clean and safe water from our watersheds to the water tap—with special emphasis on safe drinking water and water pollution prevention.

General comments.
The June Draft EIS/R describes a preferred program alternative that falls short of the comprehensive resource management strategy sought by all those who care about the future of water in California.
The preferred alternative:

- Continues to exclude significant portions of the Bay Delta watershed from program actions– the SF Bay, many southern watersheds and the Trinity basin. The geographic scope of the program implementation should significantly include and not discount analysis of actions in **all watersheds that contribute water to the Delta and receive water from the Delta;**
- Relies too heavily on solving drinking water quality problems with conveyance and storage. A more comprehensive, cost effective, adaptive and environment friendly strategy would favor a suite of pollution prevention/source control, watershed management/ protection, maximizing existing storage, water use efficiency/reclamation, new treatment techniques, exchanges /transfers, and local supply reliability prior to constructing conveyance and new surface storage;
- Fails to detail integration elements of common programs on the one hand but promotes conveyance and storage linkages based on poorly defined (or non-existent) criteria on the other. The watershed program's many benefits for water quality, use efficiency, ecosystem restoration, and water management are coarsely articulated at best – is an example of the former. The latter is best represented by the proposal to build a 4,000 cfs diversion at Hood to the Mokelumc based on failure to meet drinking water quality goals that are nowhere defined in the EIR/S or any of its technical appendices.

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- Bases its forecast for future urban demand on Bulletin 160-98, rather than an outlook more consistent with the trends across the state towards more efficient water use and lower per capita consumption;
- Inadequately addresses environmental justice concerns for urban communities including contaminated fish, exclusion of dioxin as a parameter of concern, urban sources of mercury, and increased pollution of the south bay resulting from reduced circulation and excessive diversions from the system.
- Walks away from an opportunity to adopt an accountability/ enforcement scheme to curb contamination of the watershed. State and federal agencies each empowered with a fragment of the pollution solution (for the ecosystem and for people's health) could come forcefully together under CALFED with a mutual enforcement and cooperation pact. Instead the current plan upholds the status quo of fragmented and poorly funded inadequate implementation of environmental laws.

Alternatives Analysis:
CALFED excludes an alternative based on a reduction of exports even though such an alternative could meet water quality objectives and provide needed flows to the ecosystem for fisheries recovery. Supply reliability objectives under this alternative would include aggressive conservation, reclamation and recycling combined with pricing reform, an appropriately constrained transfer system and an exchange program to allocate water use to maximize water quality.

Specific Comments on Water Quality:
Drinking Water
CALFED has failed to adequately develop its plan for addressing how to protect the health of those who currently rely on the delta for all or part of their drinking water.
During the Phase II stakeholder discussions in December 1998, all present agreed to work towards a goal of protecting public health in the drinking water provided by those systems that now rely on the Delta source. Initially, urban water districts favored an approach based on continuous improvement of source water quality in the Delta with regard to total organic carbon and bromide—including adopting specific targets of 3.0 ppm for TOC and 50ppb for bromide. Two important concepts were added to this approach which were key to its successful adoption:

1. The specific targets would be reviewed based on new information about health effects and treatment technology likely to be available over the 7 year Stage 1 time horizon.
2. CALFED would pursue analysis, development and implementation of a suite of actions (source control, water management, treatment, alternative sources) that would have the "equivalent" impact on protecting public health if such measures were deemed cost effective.

Unfortunately, it appears that time and resources in the interim have favored achievement of source water quality targets in the Delta. "Continuous improvement" of source water quality has become the "end" not a means. The draft (including the Phase II report, main document, implementation appendix, and Water Quality Appendix) make regular reference to improvements in source water quality as determinant, and often fail to

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include the potential for an alternative strategy to provide equivalent (or even better) health protection.

Recommendations:

1. Prior to the Record of Decision (ROD) CALFED must develop a comprehensive workplan for addressing and quantifying the benefits of source control, water management, treatment and alternative sources to achieve public health protection with regard to disinfection byproducts and protection from pathogens. This plan should include the following components:
   - Reformulate the Delta Drinking Water Council so that its charge is to advise CALFED on how best to meet the public health objectives for those who currently consume treated drinking water from the delta. Among other things, the name of the council should be changed to reflect the revised mission (CALFED Drinking Water Council?)
   - Define criteria to measure "equivalent" level of public health protection and cost effectiveness for all approaches under consideration.
   - Expand the suite of actions to be considered in the analysis to include distribution infrastructure, local supplies/blending, and a comprehensive look at how to achieve the both water use efficiency and water quality.

2. Revise the long term drinking water quality goal to reflect the prime directive of meeting public health objectives rather than source water quality. This would appropriately place source water quality improvement in the light of other actions that could/should be taken in concert to achieve better water quality at the tap.

The 4,000 cfs diversion at Hood planned as a feature of the preferred alternative is an inappropriate Stage I action.

The North Delta pilot diversion appears to presume that Delta conveyance actions are a certainty in the post Stage I world—tending to under value or estimate the importance of seeking alternative actions. Under any circumstances, the value of this facility must be evaluated under the same cost effectiveness criteria used to evaluate water quality actions, if that is in fact it's raison d'être. There are long term financing issues as well if such conveyance has the likelihood of becoming a stranded asset if other water quality actions are found to achieve the desired benefits. Finally, creating a construction linkage to achievement of water quality goals is highly problematic given that:

- The water quality goals referred to have yet to be developed;
- Once the goals are determined it seems highly unlikely that the various options for actions could be implemented let alone evaluated for effectiveness in the four year time frame outlined in the draft.

Recommendation: Defer any decision to construct the pilot diversion from the preferred alternative until after stage I, when all alternatives for meeting the public health objectives associated with drinking water quality are better understood.

Water Quality Program for beneficial uses other than drinking water

The water quality program has made much progress since the draft issued in 1998, especially in problem identification for some parameters of concern and identifying targets. However there remain problems:

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- Lack of a mandatory prevention directive and fragmented enforcement structure based on voluntary cooperation between agencies.
- Underestimates the impacts associated with consumption of fish contaminated with bioaccumulative toxins—completely omitting dioxin from the parameters of concern – despite action earlier this year by EPA to list it as high priority for action in the Bay.
- Fails to articulate the linkages that could and should be made to other common programs especially the Watershed, Ecosystem restoration, and water use efficiency programs.

Selected specific parameters:
Mercury: The program is focused exclusively on the remediation of mines. While mines are a significant source of mercury, other sources are barely touched upon in the plan. The plan calls for, "determining the relative contributions of various sources (mercury mines, hydraulic mining debris and recycling from depositional areas)." But what about mercury containing products, wastewater discharges, and urban runoff? And nowhere does the plan discuss the many airborne sources of mercury such as cement kilns, oil refineries, incinerators and diesel trucks. The plan to study the mercury problem needs to thoroughly deal with all sources of mercury.

Secondly, the plan indicates that there will be five years of data collection and evaluation before remediation and risk management strategies are developed. Yet we already know that mercury levels throughout the Bay and Delta are too high, and fish are unsafe to eat. Many people, especially those who are economically disadvantaged, depend on mercury-laden fish today, and the ecosystem continues to deteriorate as fish and animals show high mercury levels. There is no reason to wait five years before making policy recommendations and implementing programs to begin to get mercury out of the waste stream and out of the air.

The amount of mercury that gets into the Bay and Delta can be reduced by implementing pollution prevention programs, tighter air pollution standards, product labeling, take back programs and education. We know mercury is a severely toxic element that causes neurological damage, so let's not miss the opportunity to get started on cleaning it up.

Pesticides: We applaud Calfed's decision to expand the workplan beyond diazinon and chlorpyrifos—to include all pesticides with the potential to impair beneficial uses. The stated purpose of this program element is to establish methods by which toxicity linked with current pesticide usage can be eliminated. We find it hard to imagine that this can be accomplished through the program as described. It is simply not enough to reduce the impacts of pesticides without also talking about alternatives to reduce use and overall loading. CALFED funding has supported some alternatives to pesticide intensive practices such as the BIOS program ... these should be expanded. For example, funding could be prioritized to go to those programs that reduce pesticide use and loadings ahead of funding management practices focused solely on reducing impacts without reducing use. Sent under separate cover for inclusion in the record, we are including a report by Susan Kegley of the Pesticide Action Network dealing with the impacts of organo

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phosphate pesticides in surface waters of California. We think it's a pretty convincing case for a tougher stance by CALFED on what is clearly a huge problem in the Bay Delta system.

Selenium: The problem identification and workplan for selenium is one of the more promising. However, we have serious reservations about the use of constructed wetlands for treatment refinery discharges high in selenium, with a principal fear that this will create the toxic hotspots for wildlife similar to the disaster at Kesterson from ag drainage.

Thank you again for the opportunity to comment on this important program, we look forward to continuing to work with CALFED to develop a truly comprehensive and far reaching solution to the many water problems faced by those who depend on the Bay Delta.

Sincerely,

Marguerite Young

Marguerite Young
California Director